



MARICOPA COUNTY JUSTICE COURT

If you want to file a...

FORCIBLE DETAINER / SPECIAL DETAINER

**(Complaint & Summons
Tenant eviction)**



MARICOPA COUNTY JUSTICE COURT




A **FORCIBLE DETAINER/SPECIAL DETAINER** (eviction) action is filed for alleged violations of the lease or rental agreement or of the Arizona Residential Landlord and Tenant Act.

The rental property subject to the action must be located in the justice court precinct (venue).

You must give the tenant proper notice and you must wait until the business day after the expiration of the tenant's notice before filing the forcible detainer in the justice court. The justice court does not provide the initial notice to vacate forms, if you need more information on the type of notice you must deliver to the tenant you may refer to the Arizona Residential Landlord Tenant Act which is provided in booklet form by the Arizona Secretary of State or you may access this information online at www.az.sos.gov.

You may file a forcible detainer in the **justice court** if the total amount due **does not exceed \$10,000.00**. *If the amount exceeds \$10,000.00 you must file in the Superior Court.*

Please STOP...

	If the location of the rental property is not located in this justice court precinct.
	If the total amount due exceeds \$10,000.00.
	If you did not serve the tenant with the proper notice.



MARICOPA COUNTY JUSTICE COURT

Please PROCEED...

A purple stamp with the letters "O.K." in yellow and a green checkmark.	If you are filing within the correct jurisdiction / venue.
A purple stamp with the letters "O.K." in yellow and a green checkmark.	If you are claiming \$10,000.00 or less in rent or damages.
A purple stamp with the letters "O.K." in yellow and a green checkmark.	If you have properly served notice on the tenant and the time in the notice has completely expired.

FORMS Needed:

✓	Forcible Detainer Complaint.
✓	Forcible Detainer Summons
✓	Information for Filing a Special Detainer Action

INSTRUCTIONS:

1. Obtain a copy of the Residential Landlord & Tenant Act and familiarize yourself with the contents.
2. Read the attached Information for Filing a Special Detainer Action.
3. Check the venue for your claim on the court precinct map. You are responsible for filing your case in the correct court.
4. Complete the forms and make 3 copies of the Forcible Detainer Complaint and Summons forms if you are filing against one person. Make 4 copies if you are filing against two persons (such as a married couple).
5. File the forms with the court clerk and pay the \$36.00 filing fee.
6. Serve the papers as required, requirements outlined in the handout.

Visit us at www.superiorcourt.maricopa.gov/justicecourts for additional filing information and online forms.



Maricopa County Justice Courts, State of Arizona

REQUESTS FOR REASONABLE ACCOMMODATION FOR
PERSONS WITH DISABILITIES MUST BE MADE TO THE
COURT AT LEAST 3 WORKING DAYS IN ADVANCE OF A
SCHEDULED COURT PROCEEDING.

CASE NUMBER: _____

Plaintiff(s) Name / Address

Defendant(s) Name / Address

S U M M O N S

THE STATE OF ARIZONA TO THE ABOVE-NAMED DEFENDANT(S):

1. YOU ARE SUMMONED TO APPEAR and answer this complaint in the court named above.

TRIAL DATE: _____ TIME: _____ COURTROOM # _____

Be in court at least 15 minutes before the scheduled hearing / trial.

2. You must appear at the date and time shown above if you wish to contest the allegations of this complaint.
3. IF YOU FAIL TO APPEAR, judgment may be entered against you as requested in the complaint.
4. If you enter a plea of NOT GUILTY you should file a formal written answer and pay the required filing fee. In cases of hardship, you may apply for a deferral or waiver of the filing fee. You must be prepared for trial and be prepared to present all documents and witnesses needed to establish any claim, defense or counterclaim you may assert.
5. A trial may be held on the date you appear, or it may be continued for up to three days.
6. The attorney for the plaintiff (or the plaintiff, if not represented by an attorney) must be given a copy of any pleading your file. The address is shown in the upper right hand corner of this Summons.

Plaintiff or Attorney for Plaintiff

Address

Date: _____

Justice of the Peace

Plaintiff or Attorney for Plaintiff

Address

Maricopa County Justice Courts, State of Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address

Defendant(s) Name / Address

COMPLAINT – FORCIBLE / SPECIAL DETAINER ☐ Residential ☐ Mobile Home ☐ Commercial

1. This court has jurisdiction to hear this case. The property is located within this court's venue, at:

2. I am the owner of the property and I have given the legal notice required. A copy of the notice is attached.

3A. ☐ RENT Defendant has failed to pay rent as agreed. Rent is \$ _____. ☐ Monthly ☐ Weekly.
Rent is due and unpaid since: _____. ☐ For a total unpaid rent of \$ _____.

A five day Notice to Pay was served

- ☐ Personally upon _____ by _____ on _____, or
☐ By certified mail sent _____ (Certified mail receipt will be provided to court).

The rental agreement provides for late fees of \$ _____ per _____. The defendant owes \$ _____ late fees. The defendant owes a rent concession of \$ _____.

3B. ☐ NON-COMPLIANCE Defendant has committed, and has failed to remedy, the following material non-compliance of the rental agreement: _____

A Notice to remedy this problem was served as follows: _____.

3C. ☐ IRREPARABLE BREACH Defendant has committed the following material and irreparable breach:

3D. ☐ OTHER _____

4. ☐ DAMAGES Defendant should pay \$ _____ for the following damage defendant committed to the property: _____

5. I request a money judgment for the amounts described above and also a judgment for possession of the property.

6. WRIT OF RESTITUTION I request the court issue a Writ of Restitution, returning the property to plaintiff's possession:

☐ 5 days from the time of judgment or ☐ 12 to 24 hours from the time of judgment (*material and irreparable breach only*)

I am also asking for reimbursement of my court costs.

I state under penalty of perjury that the foregoing is true and correct.

Date: _____

Plaintiff

Date of information: _____

Information updated:

☐ Plaintiff ☐ Plaintiff's Atty ☐ Defendant ☐ Defendant's Atty
☐ Other

Source of Information:

☐ Plf filing ☐ Def filing ☐ Atty notice ☐ Affidavit of Service

CASE NUMBER: _____

PARTY MAILING AND CONTACT INFORMATION

PLAINTIFF _____ Street _____ City/State/Zip _____ (Daytime Phone) () _____	DEFENDANT _____ Street _____ City/State/Zip _____ (Daytime Phone) () _____
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Plaintiff's attorney is: Name _____ Street _____ City/State/Zip _____ (Daytime Phone) () _____	Defendant's attorney is: Name _____ Street _____ City/State/Zip _____ (Daytime Phone) () _____
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Other parties: _____ Street _____ City, State _____ Zip _____ (Daytime Phone) () _____	Other parties: _____ Street _____ City, State _____ Zip _____ (Daytime Phone) () _____
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INFORMATION FOR FILING A SPECIAL DETAINER ACTION IN JUSTICE COURT

IF YOU ELECT TO REPRESENT YOURSELF **you have a responsibility to yourself and to the court to acquire a sufficient knowledge to complete the forms properly and to follow your lawsuit to conclusion.** There are certain steps you must follow to pursue it properly. This information is provided to assist you in general procedure in processing. You should familiarize yourself with the ARIZONA RESIDENTIAL LANDLORD TENANT ACT, which is provided in booklet form by the Secretary of State, or may be accessed @ www.az.sos.gov . Other applicable statutes may be found in the Arizona Revised Statutes (ARS) Title 12 and Title 33. You may also want to refer to Arizona Rules of Court (ARCP) for additional information. The statutes may be found at your local library or may be accessed @ www.azleg.state.az.us/ArizonaRevisedStatutes .

THE CLERKS IN THE JUSTICE COURT are not attorneys and cannot give legal advice. The clerks' responsibility is to take your court filing and to provide forms and explain court procedures. It is not the clerks' responsibility to advise you if you have a legal claim. The clerk is not responsible for any error you may make in asserting or defending the claim. The court does not take sides or render an opinion regarding the merits of a claim.

A SPECIAL DETAINER ACTION is filed for alleged violations of the lease or rental agreement or of the Landlord & Tenant Act. At issue for the Judge to decide is the right to possession.

COURT FEES Refer to the court's posted schedule of fees for applicable filing fees.

JURISDICTION The total amount due shall not exceed \$10,000.00.

VENUE The property subject to the action must be located within the court's precinct boundaries.

NOTICE The proper notice must be served on the tenant. Notice of failure to pay rent is the most common notice.

If the notice is a 5-day notice, you may file the complaint on the 6th day after the tenant received the notice. If the notice was served by certified mail, five days are added to the notice period.

IMMEDIATE NOTICE You may serve a notice for immediate termination based on an irreparable and material breach i.e., (but not limited to) illegal discharge of a weapon, threatening or intimidating, assault, serious property damage and/or other criminal activity.

The immediate notice may be served with the summons and complaint.

CURING THE NON-COMPLIANCE AND KEEPING POSSESSION Most tenant non-compliance can be cured during the notice period before a complaint is filed with the court.

If the tenant offers you full payment of the unpaid rent, you must accept it.

THE COMPLAINT shall state the address of the property and the facts that entitle the landlord to possession. The complaint may also state any damages alleged. The allegations set forth in the complaint must follow the allegations of the notice.

PARTIES The plaintiff is the property owner. The defendant is the tenant(s).

APPEARING IN COURT If the property is owned by:

AN INDIVIDUAL may appear personally or by an attorney.

A CORPORATION may be represented by an officer of the corporation, who has been specifically authorized to represent the corporation in Justice Court and has primary duties to the corporation other than representing the corporation in court, or by an attorney.

A PARTNERSHIP may be represented by an attorney or each partner may appear and represent his own partnership interest.

Be prepared to provide documentation on request of your interest in the claim.

THE SUMMONS will issue on the same day the complaint is filed.

SETTING THE COURT DATE The court will set the court date for not more than 6 working days nor less than 3 working days from the date of the summons. If the complaint alleges threats, acts of violence or criminal activity, the court date shall be set not more than 3 days away.

CONTINUING THE COURT DATE Any request made to continue the court date must be in writing and must be supported by an affidavit. A continuance will only be granted for good cause and will not be granted for a period greater than three working days.

PROCESS SERVERS may be found in the Yellow Pages of the phone directory or the court may have a listing for your convenience.

SERVICE A licensed process server must serve the tenant with a copy of the summons and complaint. The summons must be served at least two days before the scheduled trial date.

If the defendant cannot be served as allowed by the Statute, after an attempt is made, a copy of the summons may be posted on the main entrance of the residence. On that same day the summons shall be mailed by certified mail, return receipt requested. The summons is deemed to have been served 3 days after the mailing.

REMEMBER: The summons must be served 2 days before the court date. If the court date is shortened at your request, time may not allow for service by "post and mail", in which case personal service must be made.

An affidavit of service must be filed with the court.

THE COURT DATE If you did not file your notice with the court at the time of filing the complaint, you must bring it with you on your scheduled court date.

The Judge will ask you to briefly state the allegations of the complaint.

The Judge will review the allegations of the complaint and determine if proper notice was given. The tenant will be asked to enter a plea.

GUILTY / NO CONTEST. If the plea is guilty or no contest, the Judge will proceed to determine how much, if any, rent is due and owing through the end of the rental period, the amount of any alleged damages, costs of court and attorney fees, if allowed, and interest on the unpaid judgment. The Judge will also order that the tenant vacate the property and that possession be returned to the property owner.

NOT GUILTY. If the tenant pleads not guilty, the defendant will be required to file a formal answer to the plaintiff's complaint. If the defendant files a counterclaim, it will also be considered and decided at the time of trial. The Judge may ask the parties to meet outside the courtroom to try to resolve any disputed issues and define the issues for trial. The

Judge will then call you back to the courtroom and ask if both sides are prepared to proceed to trial. Generally the trial is held that same day. The court may reset the trial for a date not more than 3 judicial days away.

THE TRIAL Either party can request a jury trial. If a jury is not requested, the Judge will hear the case. If a jury trial is requested both parties may be required to exchange names of witnesses and a list of exhibits expected to be called or presented. The parties will also be required to submit prepared jury instructions to the court before trial.

If you are representing yourself (acting as your own attorney), you will be held to the same standard as an attorney.

The plaintiff will proceed first and may call witnesses and/or introduce exhibits. The defendant may cross-examine any witnesses or object to the admission of any exhibit. After the plaintiff rests, the defendant will then present his case. The defendant may call witnesses and/or introduce exhibits that may prove or defend his position.

If a jury trial is requested both parties may be required to exchange disclosure (names of witnesses and a list of exhibits expected to be called or presented). The parties will also be required to submit prepared jury instructions to the court before trial.

JUDGMENT The party requesting a jury will be assessed jury fees, if judgment is not found in favor of the requesting party.

APPEAL Either party may appeal from a Justice Court judgment by filing a Notice of Appeal within five (5) calendar days from the date of judgment or prior to the issuance of the Writ of Restitution. The court cannot extend the time for appeal. Ask the clerk for information regarding bonds and Appeal costs.

WRIT OF RESTITUTION If Judgment is entered the Judge will order, among other things, that a Writ of Restitution will issue five days from the date of judgment or, in the case of irreparable breach, not less than 12 nor more than 24 hours after judgment (or as soon thereafter as normal court hours allow). If the tenant does not move as ordered, the writ will direct the constable to evict the tenant.